

Land and Water Policy Team
Ministry for Primary Industries
Wellington
New Zealand

8 October 2019

Dear Sir/Madam,

This is a submission made on behalf of Woodhaven Gardens Ltd to the Proposed National Policy Statement for highly productive land. I wish to be heard on my submission.

Name of Submitter: Woodhaven Gardens Ltd (Attn. Jay Clarke)

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My NPS-HPL Submission is:

1. Introduction

Woodhaven Gardens Ltd appreciate the opportunity to provide feedback on the Proposed National Policy Statement on Highly Productive Land (NPS-HPL). As evidenced by 42 years of commercial vegetable growing Woodhaven Gardens recognise both the value of highly productive land (HPL) and the need to protect it for the health and wellbeing of future generations. However, Woodhaven Gardens is concerned that the scope, level of direction, and potential restriction contained within the proposed NPS-HPL will have a significant impact on our ability to address challenges with our local environment (specifically freshwater quality), continued vegetables production and projected population growth of our District. It is our concern that the wellbeing of our community will suffer as a result.

Problem Statement

Woodhaven Gardens believe the problem the proposed NPS-HPL is trying to address is unclear and, as identified by the discussion document, has largely relied on anecdotal evidence. In particular, there is minimal evidence provided about the scale of productive land loss at regional or local levels.

In this respect, Woodhaven considers that the problem may actually be overstated. We note that Horticulture NZ's submission to Auckland's Climate Action Framework (September 2019) identified that

The area of land that is potentially suitable for horticulture is much greater than the area currently in horticulture, or predicted by the industry to be converted to horticulture in the next 10 years

Woodhaven questions whether the focus of the NPS-HPL should be on protecting HPL for primary production as it is currently worded, or whether it would be more meaningfully targeted at protecting the ability of HPL to sustain food production. The biggest threat to HPL is not urbanisation but our ability to use that land productively. Freshwater quality regulation at national and regional levels are reducing the productive capacity of our HPL in a far greater way than urbanisation.

Woodhaven Garden submits that if land is within any catchment that might otherwise be identified for nutrient reduction, either through the NPS Freshwater Management or any regional planning document,

then that land should automatically be excluded from being classified as HPL as its productive use would be too uncertain. Land within catchments identified for nutrient reduction should only be classified as HPL through district plan and regional plan processes that confirm productive use is achievable and demonstrates that there is certainty that the proposal is within the nutrient reduction targets.

Woodhaven Gardens also note that the NPS-HPL has been drafted in absence of a National Food Strategy and an NES for Commercial Vegetable Growing. Both of these urgently needed pieces of work will result in far greater protection of HPL than the proposed NPS-HPL. Woodhaven Gardens consider that a National Food Strategy and NES for Commercial Vegetable Growing are critical to ensuring the nation has a resilient, food production market and supply. A National Food Strategy and NES for Commercial Vegetable Growing would also have helped to inform the drafting and tailoring of the proposed NPS-HPL towards more meaningful and sustainable outcomes.

The NPS-HPL identifies urban expansion and rural lifestyle subdivision as the greatest threat to HPL which we strongly believe is incorrect. It seeks to regulate this risk but does not appear to have considered other options to better manage the HPL resource, such as more targeted utilisation of land.

According to Plant and Food Research principal scientist Brent Clothier, there is currently 165,000ha of land used for horticulture in New Zealand. However, New Zealand has 2,000,000ha of viable horticultural land, 85% of which is used for livestock agriculture¹. Freshwater improvement and emissions reduction programmes may result in transition to horticulture, given lower emissions and water consumption associated with horticulture when compared to livestock agriculture. These figures suggest HPL and the environment more generally is under pressure from a wider issue of ineffective land utilisation. This emphasises the need for a National Food Strategy as an opportunity to take into account land characteristics, future food demand, and other environmental considerations as a means of achieving both better land utilisation, with land being prioritised for its most suitable form of primary production, and more favourable environmental outcomes. Woodhaven therefore believe it is extremely important that a National Food Strategy be prepared prior to an NPS-HPL.

Any NPS-HPL must consider the needs of vegetable growers to transition land in environmentally sensitive areas into different productions systems or housing in order to fund relocation of existing vegetable growing production to less sensitive receiving environments. A large percentage of New Zealand's fresh vegetable supply comes from area's requiring immediate nutrient reduction and without this flexibility we place New Zealand's essential supply of fresh vegetables at risk.

Woodhaven also considers that the NPS HPL restricts opportunities to support continued food production, reverse existing fragmentation and improve water quality. By enabling growers to subdivide existing growing land in High Nitrate Catchments in exchange for foregoing titles on new vegetable production in less environmentally sensitive catchment we can reaggregate parcels of land of Highly Productive Land in areas where it can be fully productive, reduce environmental impacts in High Nitrate Areas and still keep the same amount of food production. This can be achieved through transferable titles and incentives to reaggregate smaller parcels of land.

As an example: Woodhaven foregoes 10 titles on 73 ha in the Ohau catchment in exchange for 22 titles in the Hokio catchment. This creates a single block of Highly Productive Land at an economic scale in the Ohau catchment. Woodhaven can use its capital tied in the Hokio catchment to fund moving production to the Ohau block by selling off some of its land in the Hokio catchment to help reduce the impact of Vegetable production on the Arawhata Stream and Lake Horowhenua, all while ensuring the same amount of jobs and food are secured.

¹ <https://www.stuff.co.nz/environment/climate-news/115845613/new-zealands-horticulture-industry-adapting-to-meet-climate-change-challenges?cid=app-iPhone>

Potential Impact on Woodhaven Gardens

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Farmers and growers of the Horowhenua District are also experiencing increasing constraints and pressure arising from both Proposed Plan Change 2 (Existing Intensive Farming Land Uses) of the Horizons One Plan and the Government's essential freshwater programme. While Woodhaven and the farming community alike appreciate the importance of protecting and improving freshwater quality, the level and direction and regulation arising from the NPS-HPL alongside freshwater changes is resulting in real and significant challenges for our growers and farmers who make up an important sector of both the District's economy and the community more generally. The Government is legislating to protect to HPL for primary production while at the same time limiting ability to use the land for productive purposes.

Woodhaven Gardens also wish to mention concerns raised by members of our horticultural community that the NPS-HPL has not adequately considered the impact the reduced subdivision potential will have land values and as a result, ability of farmers and growers to continue their operations. Some farmers and growers will experience significant reduction in land value as a result of lost subdivision potential. This will reduce the equity they have in their businesses and in some cases, impact their ability to continue using their land for primary production. The lack of evidence base supporting this document creates a risk of unintended consequences.

Woodhaven Gardens engaged expert advice from Trubridge Partners Independent Registered Valuers to assess the effect of the NPS-HPL alongside the effect of the Horizons One Plan and the Action for Healthy Waterways discussion document. Trubridge Partners assessment was that if proposed nutrient controls in identified Water Management Sub Zones (WMSZ) were imposed at levels unviable for commercial vegetable growing Woodhaven Gardens could expect a loss of greater than 65% on its land in the WMSZ. This land is already highly fragmented in lot sizes .2ha to 8ha and is surrounded by urban and rural lifestyle development.

In this regard Woodhaven notes that there has been no mention or modelling of the economic effect on land values for land that land owners have purchased, especially on lot sizes under 8ha or below, near existing urban settlements. This is not just relevant to Woodhaven but also should not be underestimated in areas such as Pukekohe and the Horowhenua, and may have severe financial impacts on businesses if their equity is eroded.

If proposed nutrient controls are enforced Woodhaven Gardens would require the ability to sell its land inside the WSMZ at or above current value in order to finance the purchase of land in less sensitive receiving environments in order to maintain the food production, jobs, economic and social contribution to our District and Nation. If Woodhaven Gardens production is restricted due to nutrient controls in the WSMZ that renders commercial vegetable growing unviable economically, and are also restricted from selling the land at or above current value (which the only market would be Rural Lifestyle Subdivision of 2ha or below), then Woodhaven Gardens would risk foreclosure from our bank, bankruptcy of its directors, the loss of 200-250 staff and the loss of \$30-35mil contribution to the local GDP. The same would be said of many commercial vegetable growers that are growing in high nitrate catchments or WMSZ's around the country.

Alternative Approaches

Woodhaven Gardens would support an NPS-HPL provided adequate protection is given to current land values and growers are enabled to sell land at or above current value if restrictions to current productivity capacity of land eventuate. These restrictions could be market conditions, pest or disease incursion,

nutrient or water restriction or any other factor that limits the viability of the current or alternative primary production on the land. Woodhaven Gardens notes the lack of any on farm economic modelling on the effect of land values especially those of HPL near current urban developments or in high nitrate catchments as identified by the Action for Healthy Waterways document or other regional planning processes and call upon the Ministry to undertake this work before finalising any policy.

2. National Direction

Woodhaven Gardens welcomes national alignment on guidance towards the treatment of HPL however strongly recommends this takes place after a National Food Strategy, an NES for Commercial Vegetable Growing and the NPS/NES Freshwater have been completed and finalised to ensure we are protecting the right locations and facilitating the best outcome for our environment, our economy, our communities, our food security, and our growers.

3. Effectiveness of Existing Local Approach to Protecting HPL

Woodhaven Gardens reiterates its position that Urbanisation and poor planning decisions from councils is not the biggest threat to HPL. The biggest threat is coming from restrictions to productivity as a result of restriction to nutrient, water and other contributing factors that make land highly productive.

4. Identification of HPL – Process and Criteria Proposed

Woodhaven Gardens has some serious concerns regarding the proposed definition of HPL, as well as the process for identifying HPL.

Definitions

Woodhaven Gardens request that the Ministry amend the definition of HPL to include an exemption for Rural Lifestyle Zones (and deferred Rural Lifestyle Zones identified in District Plans) as defined in the discussion document as having lot sizes ranging from .2-8ha. Rural lifestyle areas have minimal potential to be used for anything more than hobby scale primary production and already represent a loss of HPL. Therefore, it would be unreasonable and inefficient to constrain these areas from transitioning to urban or residential areas.

Woodhaven Gardens is concerned about the inclusion of LUC 3 as HPL. The NPS-HPL discussion document (and other supporting document) does not provide any particular justification of the decision to depart from the historical definition of highly versatile soils and include LUC 3, the potential impact of doing so, the productive value of LUC 3, or the extent to which it is under threat from urban expansion and/or subdivision.

Woodhaven Gardens note that Landcare Research² state that LUC 3 has moderate physical limitations to arable use that restrict the choice of crops and intensity of cultivation. Landcare Research also state that LUC 3 is extensively distributed. Given LUC 3 faces limitations to its use and that it is extensively distributed, Woodhaven question whether LUC 3 warrants specific protection. In the absence of any evidence to justify including LUC 3 in the proposed NPS-HPL, Woodhaven Gardens is concerned that the costs of this approach will outweigh the benefits, at least for areas with large LUC 1 and 2 resources. The Ministry could consider an option whereby LUC 3 was only given automatic protection in areas that had limited LUC 1 and 2 resources.

² https://www.landcareresearch.co.nz/__data/assets/pdf_file/0017/50048/luc_handbook.pdf

Woodhaven opposes that the definition of HPL apply to all sites that contain at least 50% or 4ha (whichever is the lesser) LUC 1-3. Woodhaven believe this approach will result in unreasonable constraints for landowners who own large properties but have proportionately small areas of HPL (for example, 4ha of HPL within a site of 100ha). Woodhaven recommend that the definition apply only to the piece of land that contains LUC 1-2 (or 3, if option is pursued) greater than 8ha, where this is a contiguous piece of LUC 1-2 of 8ha or more rather than applying indiscriminately to the whole site.

Woodhaven Gardens opposes that the default definition would take immediate effect. This approach would create a significant period of uncertainty for our business, our community and others across the country. This could result in unnecessary restriction and direr effects on individual businesses. Of even more concern is that this approach will undermine public confidence in RMA processes. As already stated, the level of protection afforded to HPL has been determined through public RMA processes and landowners therefore have an expectation that these provisions would be upheld until such time as a District Plan change was announced and consultation occurs. The Ministry has provided a very short window for consultation. It is unlikely that the average property owner (or other stakeholder) would be aware of the potential impact the proposed NPS-HPL could have on plans for their properties.

Identification Process

Proposed Approach

Woodhaven Gardens recommends that the Ministry amend the proposal so that district councils are responsible for identifying HPL, District councils have a more intimate knowledge of local HPL and the relevant factors that may affect its productive capacity. Woodhaven Gardens would like to see more clarity and direction in how this process should occur. Specifically, Woodhaven Gardens request that the Ministry provide clear guidance to District Councils on how they should identify HPL.

If the overall intent of Policy 1 is retained (regardless of where responsibility for identification ultimately falls), Woodhaven Gardens seek the following changes to Policy 1 and Appendix 1.

In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:

- a. the capability and versatility of the land to support primary production based on the Land Use Capability classification system;*
- b. the suitability of the climate for primary production, particularly crop production; and*
- c. the size and cohesiveness of the area of land to support primary production.*

When identifying areas of highly productive land, local authorities ~~may~~ must also consider the following factors:

- a. current or potential availability of water;*
- b. access to transport routes;*
- c. access to appropriate labour markets;*
- d. supporting rural processing facilities and infrastructure;*
- e. the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and*
- f. water quality issues or constraints that may limit the use of the land for primary production.*

Woodhaven Gardens request that Policy 1 and Appendix A are amended to state that Regional Council's must (not may) consider the matters indicated by underline above. This is because all of these factors are critical to whether land can be used productively or not. If land is unable to be used productively due to one or more of the above constraints, it would be unreasonable to place restrictions on that land that would constrain its ability to be used for some other purpose.

Woodhaven Gardens also request the Ministry add additional considerations to the list of criteria as follows:

- g. Suitability of the climate to support primary production*
- h. Land slope*
- i. Whether there is sufficient, appropriate land available for urban development that would deliver a quality urban environment.*
- j. The economic viability of current or alternative primary production on the land.*

Proposed additions (g), (h), and (j) seek to acknowledge other factors that impact productive potential (land slope, climate, policy framework, pest species, disease etc.). Addition (i) attempts to reconcile the clashes between the NPS-UD and the NPS-HPL and to get planning right at the outset (e.g. identify land for growth at the same time as protecting HPL) to understand the complete picture, as opposed to having to deal with these conflicting priorities separate to each other (e.g. having to justify urban on to HPL after the fact of protecting it, because insufficient urban capacity was identified).

5. Cumulative Effects of HPL Fragmentation from Rural Lifestyle Subdivision

Woodhaven Gardens strongly advocates the uses of environmentally friendly Rural Lifestyle Subdivision as a mechanism to support funding of landowners to transition primary production activities in less sensitive receiving environments and less impactful farming systems (covered cropping). This is a crucial tool to help unlock capital to make environmental improvements and avoid business closures.

Below is an assessment of the proposed objectives and policies most relevant to the Woodhaven submission. In the right hand column, text proposed for deletion is shown in ~~strike through~~ and proposed additions in **bold underline**.

Objective/Policy	Comment	Suggested Changes
<p>Objective 1: Recognising the benefits of highly productive land</p> <p>To recognise and provide for the value and long-term benefits of using highly productive land for primary production.</p>	<p>Woodhaven are supportive of this objective, subject to the definition of 'highly productive land' being refined.</p> <p>Woodhaven concerns about the definition of HPL are covered in Section 4 and Section 7 of this proposal and should be considered to apply equally throughout the following assessment of objectives and policies.</p>	<p>Suggested alteration to the definition of HPL is included in Section 7 of this submission.</p>
<p>Objective 2: Maintaining the availability of highly productive land</p> <p>To maintain the availability of highly productive land for primary production for future generations.</p>	<p>Woodhaven believe the current wording of this objective is too restrictive and does not reflect the intention expressed within the NPS-HPL discussion document that the intent is not 'no net loss'. This objective does not acknowledge there are times and situations where there will be loss of HPL, particularly when needing to provide for urban growth, as dictated by the proposed NPS-UD or for secondary processing facilities (or other activities) that have a functional requirement to locate on/near HPL.</p>	<p>Woodhaven recommend altering the wording of this objective to reflect situations where uses other than primary production on HPL could be appropriate.</p>
<p>Objective 3: Protecting from inappropriate subdivision, use and development</p> <p>To protect highly productive land from inappropriate subdivision, use and development, including by:</p> <ul style="list-style-type: none"> avoiding subdivision and land fragmentation that compromises the use of highly productive land for primary production; avoiding uncoordinated urban expansion on 	<p>Woodhaven are concerned about the prevalence of the word 'avoid' in both this objective and the proposed NPS-HPL generally. As the King Salmon case law has proven, avoid means avoid. The objectives and policies that use 'avoid' are therefore inconsistent with the intention expressed in the discussion document that the NPS-HPL is not seeking 'not net loss'. Therefore, the Ministry should exercise caution when using this as a directive.</p> <p>Woodhaven also seek inclusion of a definition of 'Strategic Planning Process' so as to avoid confusion. We would recommend that this be a Council adopted Strategy which has been through a public engagement process and has specifically taken into</p>	<p>Woodhaven recommend the following:</p> <p><u>Strategic Planning Process means a Council adopted Strategy that has been through a public engagement process and has specifically considered the impact on HPL, versatile soils, or similar as defined by the authority at the time of preparing the Strategy.</u></p> <p><i>To protect highly productive land from inappropriate subdivision, use and development, including by:</i></p> <ul style="list-style-type: none"> <i>avoiding manage subdivision and land fragmentation that compromises the use of highly productive land for primary production;</i>

Objective/Policy	Comment	Suggested Changes
<p>highly productive land that has not been subject to a strategic planning process; and</p> <ul style="list-style-type: none"> avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land. 	<p>account impact on HPL (based the Council's definition of HPL of the time).</p> <p>Woodhaven consider this policy a direct conflict with the proposed NPS-UD which directs Councils to consider proposals for urban development that are out of sequence and/or not located on pre-identified areas.</p>	<ul style="list-style-type: none"> <i>avoiding <u>manage</u> uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process; and</i> <i>avoiding and/or mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land</i>
<p>Proposed Policy 1: Identification of highly productive land</p> <p>1.1 Regional councils must identify areas of highly productive land using the criteria set out in Appendix A and:</p> <ul style="list-style-type: none"> map each area of highly productive land; and amend their regional policy statements to identify areas of highly productive land within the region. <p>1.2 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1.</p>	<p>Woodhaven has proposed a number of alternative means of identifying HPL (both in interim and longer term) in Section 4 of this submission, ranked in order of preference.</p> <p>However, if the policy currently proposed is still considered the Ministry's preferred approach, the wording changes in the adjacent column are suggested.</p> <p>Furthermore, where HPL is potentially compromised through another NPS, such as the NPS Freshwater Management, the need to maintain availability of HPL should not be a strict requirement of the NPS HPL.</p>	<p>1.1 <u>Territorial Authorities</u> must identify areas of highly productive land using the criteria set out in Appendix A and:</p> <ul style="list-style-type: none"> map each area of highly productive land; and amend their regional policy statements to identify areas of highly productive land within the region. <p>1.2 <u>Territorial authorities</u> must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1.</p> <p><i>Appendix A: Criteria to identify highly productive land</i></p> <p>In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:</p> <ul style="list-style-type: none"> the capability and versatility of the land to support primary production based on the Land Use Capability classification system; the suitability of the climate for primary production, particularly crop production; and the size and cohesiveness of the area of land to support primary production.

Objective/Policy	Comment	Suggested Changes
<p><i>Appendix A: Criteria to identify highly productive land</i></p> <p>In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:</p> <ul style="list-style-type: none"> a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system; b) the suitability of the climate for primary production, particularly crop production; and c) the size and cohesiveness of the area of land to support primary production. d) When identifying areas of highly productive land, local authorities may also consider the following factors: <ul style="list-style-type: none"> • [the current or potential availability of water – see question below]; • access to transport routes; 		<ul style="list-style-type: none"> • When identifying areas of highly productive land, local authorities may must also consider the following factors: • current or potential availability of water • access to transport routes; • access to appropriate labour markets; • supporting rural processing facilities and infrastructure; • the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and • water quality issues or constraints that may limit the use of the land for primary production. • <u>Suitability of the climate to support primary production</u> • <u>Land slope</u> • <u>Whether there is sufficient, appropriate land available for urban development that would deliver a quality urban environment.</u> • <u>The viability of current or alternative primary production on the land.</u> <p>Highly productive land excludes:</p> <ul style="list-style-type: none"> a) urban areas; and b) areas that have been identified as future urban zones in district plans; or c) <u>where land that might otherwise be identified as HPS is contained within catchments identified for nutrient reduction in a Regional Plan and/or a NPS FW then it cannot be identified as HPL in accordance with the NPS HPL until such time as</u>

Objective/Policy	Comment	Suggested Changes
<ul style="list-style-type: none"> • access to appropriate labour markets; • supporting rural processing facilities and infrastructure; • the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and • water quality issues or constraints that may limit the use of the land for primary production. <p>Highly productive land excludes:</p> <ul style="list-style-type: none"> a) urban areas; and b) areas that have been identified as future urban zones in district plans. 		<p><u>the nutrient reduction targets have been set, and primary productive uses within those targets have been determined to be viable.</u></p>
<p>Proposed Policy 2: Maintaining highly productive land for primary production</p> <p>Local authorities must maintain the availability and productive capacity* of highly productive land for primary production by making changes to their regional policy statements and district plans to:</p>	<p>Woodhaven believe this policy is unclear, as follows:</p> <ul style="list-style-type: none"> a) Prioritise the use of highly productive land for primary productive b) Consider giving greater protection to areas that make a greater contribution to the economy and community. <p>Woodhaven support clarity on the following matters:</p> <ol style="list-style-type: none"> 1. What is meant by 'prioritise' HPL for primary production? What is this compared to? Is this 	<p>Local authorities must maintain the availability and productive capacity* of highly productive land for primary production by making changes to their regional policy statements and district plans <u>as required/if necessary</u>:</p> <ul style="list-style-type: none"> a) prioritise the use of highly productive land for primary production <u>except where this land has been identified for an alternative use by a strategic planning process</u> b) consider giving greater protection to areas of highly productive land <u>when compared to the rural land resource more generally where the that make a</u>

Objective/Policy	Comment	Suggested Changes
<p>a) prioritise the use of highly productive land for primary production</p> <p>b) consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community;</p> <p>c) identify inappropriate subdivision, use and development of highly productive land; and</p> <p>d) protect highly productive land from the identified inappropriate subdivision, use and development.</p>	<p>prioritisation intended to override the proposed NPS-UD?</p> <p>2. What is meant by provide 'greater protection' to HPL? Does this simply mean greater protection than non-HPL rural land?</p> <p>3. What is meant by 'greater contribution' to the economy and the community? How would this be determined and over what timescale?</p> <p>In addition to unduly constraining urban expansion, Woodhaven believe the policy as worded could potentially limit opportunities for rural services/industries that have a functional need or benefit to locate near to the land they serve to establish.</p> <p>Woodhaven are also concerned that this policy does not acknowledge that many plans will already be consistent with this.</p> <p>Suggested wording to address these matters is in the adjoining column.</p>	<p>greater contribution to the economy and community <u>justify additional protection;</u></p> <p>c) identify inappropriate subdivision, use and development of highly productive land; and</p> <p>d) protect highly productive land from the identified inappropriate subdivision, use and development.</p>
<p>Proposed Policy 3: New urban development and growth on highly productive land</p> <p>Urban expansion must not be located on highly productive land unless:</p> <p>a) there is a shortage of development capacity to</p>	<p>Woodhaven Gardens believe this policy is too restrictive and does not allow sufficient flexibility to consider the range of factors beyond HPL that are necessary to assess when considering whether to rezone land and/or when processing a resource consent application.</p> <p>As with objective 2, this policy could be interpreted as attempting to achieve a no net loss. However, based</p>	<p>Urban expansion must not be located on highly productive land unless:</p> <p>a) there is a shortage of development capacity to meet demand (in accordance with the NPS-UDC methodologies and definitions); and</p> <p>b) it is demonstrated that this is the most appropriate option based on <u>an assessment of:</u></p> <p>- <u>Consistency with a strategic planning process;</u></p>

Objective/Policy	Comment	Suggested Changes
<p>meet demand (in accordance with the NPS-UDC methodologies and definitions); and</p> <p>b) it is demonstrated that this is the most appropriate option based on a consideration of:</p> <ul style="list-style-type: none"> • a cost-benefit analysis that explicitly considers the long-terms costs associated with the irreversible loss of highly productive land for primary production; • whether the benefits (environmental, economic, social and cultural) from allowing urban expansion on highly productive land outweigh the benefits of the continued use of that land for primary production; and • the feasibility of alternative locations and options to provide for the 	<p>on the discussion document this is not the Ministry's intent. This policy conflicts with objective 3 which clearly expresses that urban expansion may occur on HPL where this has been subject to a strategic process.</p> <p>Woodhaven are concerned about the focus of the policy on 'feasible' alternatives as well as the high evidence base for rezoning HPL.</p> <p>We do not believe that this gives sufficient consideration to broader sustainable management principles or other national direction (such as the proposed NPS-UD which has a key focus on quality urban environments).</p>	<ul style="list-style-type: none"> - <u>Consideration of the impact of the loss of HPL on current and future generations;</u> - <u>Whether other appropriate alternatives consistent with the objectives and policies of the NPS-UD are available.</u>

Objective/Policy	Comment	Suggested Changes
<p>required demand, including intensification of existing urban areas.</p>		
<p>Proposed Policy 4: Rural subdivision and fragmentation</p> <p>Territorial authorities must amend their district plans to manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land, including by:</p> <ul style="list-style-type: none"> a) setting minimum lot size standards for subdivision located on highly productive land to retain the productive capacity of that land; b) incentives and restrictions on subdivisions to help retain and increase the productive capacity of highly productive land; and c) directing new rural lifestyle development away from areas of highly productive land. 	<p>Woodhaven believe that this policy as currently worded provides minimal benefit.</p> <p>The use of the word 'avoid' is too restrictive and does not provide sufficient flexibility to enable lifestyle sites where these may be appropriate. For example, the policy appears to unduly constrain sites that have limited productive potential, but would be captured by the proposed definition of HPL (for example, sites that contain only a small portion of HPL which may seek to create lifestyle sites on the non-productive portions).</p> <p>Woodhaven are generally supportive of policy direction that enables Councils to consider a variety of alternatives, such as transferrable development rights or defragmentation incentives, to balance the need to protect HPL against the need to provide land for growth.</p> <p>For this policy to be more helpful, it should provide more direction on how to manage cumulative effects of rural subdivision and fragmentation. It should also acknowledge that there are many mechanisms beyond site size that need to be considered in order to protect from fragmentation (e.g. shape, number of lots created by a single subdivision)</p> <p>Amending the definition of HPL would address some of these concerns. Suggested wording to address the remaining matters is in the adjoining column.</p>	<p>Territorial authorities must amend their district plans to manage rural subdivision <u>to manage the effects of</u> to avoid fragmentation and maintain the productive capacity of highly productive land, including by:</p> <ul style="list-style-type: none"> a) setting minimum lot size standards for subdivision located on highly productive land to retain the productive capacity of that land; <u>or/and</u> b) <u>Considering the cumulative effects of rural subdivision and fragmentation;</u> c) incentives and restrictions on subdivisions to help retain and increase the productive capacity of highly productive land; <u>or/and</u> d) directing new rural lifestyle development away areas of highly productive land.

Objective/Policy	Comment	Suggested Changes
<p>Proposed Policy 6: Consideration of Requests for Plan Changes</p> <p>When considering a request for urban expansion on highly productive land, or to rezone an area of highly productive land to rural lifestyle use, local authorities must have regard to:</p> <ul style="list-style-type: none"> a) The alignment of the request with relevant local authority statutory and non-statutory plans and policies relating to urban growth and highly productive land; b) The benefits (environmental, economic, social and cultural) from the proposed use of land compared to benefits from the continued use of that land for primary production. c) Whether there are alternative options for the proposed use on land that has less value for primary production. 	<p>Similar to the matters to be considered for resource consent applications, requiring Councils to consider similar matters when assessing Private Plan changes will provide certainty to landowners.</p>	<p><u>Amend Policy 6 b adding the following clauses:</u></p> <ul style="list-style-type: none"> <u>d) Suitability of the climate to support primary production</u> <u>e) Land slope</u> <u>f) Whether there is sufficient, appropriate land available for urban development that would deliver a quality urban environment.</u> <u>g) The viability of current or alternative primary production on the land.</u>

Objective/Policy	Comment	Suggested Changes
<p>Proposed Policy 7: Consideration of resource consent applications for subdivision and urban expansion on highly productive land</p> <p>When considering an application for subdivision or urban expansion on highly productive land, consent authorities must have regard to:</p> <ul style="list-style-type: none"> a) The alignment of the application with relevant local authority statutory and non-statutory plans and policies relating to urban growth and highly productive land; b) The extent to which the subdivision or development will impact on the existing and future use of the land for primary production; c) The practical and functional need for the subdivision or urban expansion to occur at that location; d) The potential for reverse sensitivity effects and proposed methods to avoid or mitigate 	<p>Woodhaven suggest rewording this policy to be clear that it does not apply to subdivisions that are for primary productive purposes.</p> <p>Woodhaven also request the inclusion of point 'g' in the right hand column to recognise the variety of factors (climate, policy framework, pests, disease) that can impact whether primary production is a viable use of the land, so as not to necessarily restrict land that has constraints on productive potential. Note for consistency sake, the same addition should be made to policy 6.</p> <p>Woodhaven also request the Ministry provide guidance on who would be a 'suitably qualified expert' and prepare guidance on what these people should consider when making such assessments.</p>	<p><u>(g) The viability of current or alternative primary production on the land.</u></p>

Objective/Policy	Comment	Suggested Changes
<p>potential adverse effects on, and conflicts with, lawfully established activities; and</p> <p>e) The benefits (environmental, economic, social and cultural) from the proposed activity compared to the long-term benefits that would occur from the continued or potential use of the land for primary production.</p> <p>f) Resource consent applications must include a site-specific Land Use Capability Assessment prepared by a suitably qualified expert.</p>		

Thank you for the opportunity to provide our comments on the proposed NPS. We would be happy to engage in dialogue with the Ministry should you wish to discuss our concerns in greater detail.

Yours sincerely

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